REMARKS/ARGUMENTS

The Office Action mailed August 13, 2004 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 16, and 25 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 13, line 9 through page 14, line 9. The text of claims 2-9, and 17-24 is unchanged, but their meaning is changed because they depend from amended claims.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claims 1-25 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. This objection is respectfully traversed.

Applicant refers to M.P.E.P. 2173.02, which states that "[t]he examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements for clarity and precision, not whether more suitable language or modes of expression are available....Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression satisfy the statutory requirement....In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the

notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent."

As to claim 1, several of the elements (here acts) are rejected as being indefinite for failing to indicate who or what is performing them. Applicant respectfully maintains that it is not required to claim who or what performs each act in a method claim in order for the claim to be definite. The scope of the claim as written can be clearly understood in its original form, namely, it would cover anybody or anything performing that particular act or acts. In one implementation, a protocol gateway can perform each of the acts, but applicant maintains that it is not necessary for the acts to be performed by a protocol gateway, and that the claim can properly be read to apply to anyone or anything performing each act.

Additionally, the Office Action alleges that it is not understood whether the "object" is a physical object or a logical (software) one. Applicant respectfully points out that the usage of the term "object" throughout the Specification is consistent with a logical object. As this is both clear from the Specification and the ordinary usage of the term "object" in software-related inventions, Applicant maintains that it is not necessary to specifically define the term in the claims.

The Office Action further alleges that it is not clear how it is possible to map in a port bundle object. Applicant maintains that this lack of understanding may have been caused by confusion over the meaning of the term "object". It is clear to one of ordinary skill in the art that mapping one thing to another thing in an object involves creating a mapping between the two

things and storing the mapping in the object. This may be thought of as one act, or two, but nevertheless such a meaning would be known to one of ordinary skill in the art and thus applicant maintains that it is clear.

The Office Action further alleges that "original source port number" and "power bundle number" are indefinite because it is allegedly unclear where they "came from". Applicant has amended claims 1 16, and 25 to provide a link between the port bundle number and the reserved port bundle, and hence Applicant respectfully maintains that the claims overcome this rejection.

Lastly, the Office Action alleges the in claim 10, "at least one source port to receive" is indefinite as it is not clear who or what is doing the sending. As with claim 1, Applicant respectfully submits that it is not necessary for the claim to indicate who or what is doing the sending. The claim may be interpreted to include anyone or anything doing the sending.

As such, Applicant respectfully maintains that the 35 U.S.C. 112, second paragraph rejection should be withdrawn.

The First 35 U.S.C. § 103 Rejection

Claims 1-9, 16-20 and 25 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kadambi et al.[1] in view of Wirstrom et al.,[2] among which claims 1, 16 and 25 are independent claims. This rejection is respectfully traversed.

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[1] US 2001/0043611 A1
[2] U.S. Patent 4,691,355

According to the Manual of Patent Examining Procedure (M.P.E.P.),

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.[3]

Specifically, the Office Action contends that Kadambi teaches "reserving one of said plurality of port bundles for said subscriber if said subscriber has not been assigned one of said plurality of port bundles" and cites page 9, [0117] and [0220] and claim 3 as allegedly providing evidence of this teaching. Kadambi, however, does not teach any type of reserving of port bundles for specific users. The cited portions of Kadambi only discuss allocation of memory upon receipt of a packet on an ingress port. There is no discussion of reserving this ingress port for a subscriber, or even any discussion of subscribers at all.

The Office Action also contends that Kadambi teaches "changing an original source port number in a data packet to a port bundle number" and cites page 11, [0152], page 14, [0168], and page 17, [0204] as allegedly providing evidence of this teaching. Kadambi, however, does not teach alteration of any kind of the original source port number in a data packet. The cited portions of Kadambi all discuss examination of the source port numbers of incoming packets, but not changing these numbers. They also, therefore, don't teach changing the numbers to match a port bundle number.

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[3] M.P.E.P § 2143.

The Office Action further contends that Kadambi teaches "modifying a subscriber address in said data packet to an assigned aggregation address" and cites page 11, [0152], page 14, [0168], and page 17, [0169] as allegedly providing evidence of this teaching. Kadambi, however, does not teach alteration of any kind of a subscriber address, much less alteration to an assigned aggregation address.

The Office Action further contends that Kadambi teaches "mapping said subscriber to said reserved port bundle in a port bundle object" and cites page 14, [0169] as allegedly providing evidence of this teaching. However, the cited portion of Kadambi discusses trunk port failure and the reestablishment of the trunk port, both circumstances generating messages to the CPU to update appropriate tables. While these tables may contain mappings, there is no discussion of a mapping between a subscriber to a reserved port bundle. Rather, the only discussion of mappings are of a "port bit map", which apparently refers to a simple bit mapping having an entry indicating whether or not a port is active for each of the ports. There is no mapping of the ports to subscribers.

The Office Action further contends that Kadambi teaches "assigning said reserved port bundle to said subscriber" and cites page 514, [0168] and the Abstract as allegedly providing evidence of this teaching. Kadambi, however, does not discuss assigning a reserved port bundle to a subscriber. There does not appear to be any assigning of port or port bundles at all in Kadambi, let alone in the cited sections.

For these reasons, Applicant respectfully maintains that claim 1 is in condition for allowance.

Claims 16 and 25 contain similar limitations as claim 1, and thus Applicant respectfully maintains that these claims are also in condition for allowance.

As to dependent claims 2-9 and 17-20 the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 10-15 and 21-24 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over <u>Kadambi et al.</u> in view of <u>Brilliant et al.</u>,[4] among which claim 10 is an independent claim. This rejection is respectfully traversed.

The Office Action alleges that Kadambi teaches "a port bundle object in each of said plurality of memories to associate said subscriber with said port bundle" and cites page 2, [0009] as allegedly providing evidence of this teaching. However, Kadambi does not teach or suggest a port bundle object, let alone associating said subscriber with said port bundle. The cited portion of Kadambi fails to discuss either of these elements. Applicant, therefore, respectfully maintains that claim 10 is in condition for allowance.

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[4] U.S. Patent 3,558,823

As to dependent claims 11-15 and 21-24, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or

credited to our deposit account No. 50-1698.

Respectfully submitted,

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Dated: 7/24/04

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